

in failing to implement measures and policies to adequately protect L.G. from her first-grade classmate.

ANSWER: Plaintiffs deny the allegations contained in this paragraph. Plaintiff avers that Principal Held was negligent in his duty to adequately protect L.G. in his role as in loco parentis. (Complaint ¶ 79, 80, 81, 91, 95, 96, 101, 102, 103 & 105).

3. Because Count IV pleads negligence based upon Principal Held's allegedly negligent decision-making and implementation of policy, Count IV is barred under the Local Governmental and Governmental Employees Tort Immunity Act ("Tort Immunity Act"), 745 ILCS 10/1-101 *et seq.*

ANSWER: This paragraph states a legal conclusion and, accordingly, requires no response. To the extent a response is required, Plaintiffs deny the allegations contained in this paragraph.

WHEREFORE, for the reasons set forth herein, the Plaintiffs respectfully request that this Court enter an Order dismissing Defendants' Motion to Dismiss Count IV of Plaintiffs' Complaint with prejudice and awarding Plaintiffs their costs of suit, and for such other and further relief as this Court deems just and appropriate.

Respectfully submitted,

S.G. and S.G. as parents and guardians of
L.G., a minor, Plaintiffs.

By: /s/Joyce O'Neill Austin

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AFFIDAVIT OF SERVICE

The undersigned certifies that on June 4, 2008, a copy of the following was electronically served via the U.S. District Court CM/ECF E-Filing System upon the following:

S.G. and S.G. v. Rockford Board of Education, School District No. 205

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